

City of Portland

Portland, Michigan

Minutes of the City Council Meeting

Held on Monday, December 3, 2018

In Council Chambers at City Hall

Present: Mayor Barnes; Mayor Pro-Tem VanSlambrouck, Council Members Fitzsimmons, and Johnston; City Manager Gorman; City Clerk Miller; Finance Officer/Treasurer Tolan; Police Chief Thomas

Absent: Council Member Baldyga

Guests: Calvin Schrauben; Nick Herblet; Steve Kirinovic, CPA with Stevens, Kirinovic & Tucker, P.C.; Mitchell Boatman of the Sentinel Standard

The meeting was called to order at 7:00 P.M. by Mayor Barnes with the Pledge of Allegiance.

Motion by Fitzsimmons, supported by Johnston, to approve the Proposed Agenda as presented.

Yeas: Fitzsimmons, Johnston, VanSlambrouck, Barnes

Nays: None

Absent: Baldyga

Adopted

Motion by VanSlambrouck, supported by Fitzsimmons, to excuse the absence of Council Member Baldyga.

Yeas: VanSlambrouck, Fitzsimmons, Johnston, Barnes

Nays: None

Absent: Baldyga

Adopted

Under Public Comment, Calvin Schrauben introduced himself and stated that he would like clarification on what can/cannot be done in regard to marijuana in the City of Portland.

Mayor Barnes explained that the City's only concern is with the sale of marijuana in the City limits.

Mr. Schrauben asked if delivery service will be allowed.

Mayor Barnes stated that at this time the City is saying no.

Under City Manager Report, City Manager Gorman further explained that extensive "homework" has been done on the marijuana issue. The State of Michigan has not developed the framework for this new law, it is all speculative at this point. The City of Portland is erring on the side of caution in an area that is unchartered territory. He further stated that the goal of the proposed

ordinance is to maintain the status quo in the City of Portland regarding marihuana establishments. Marihuana use would still be legal for personal use as permitted by law. This proposed ordinance would address the “licensing arm” of the regulation. The zoning aspects will be addressed by the Planning Commission and then referred to City Council for approval.

City Manager Gorman stated that the results of the PFAS testing on the City’s water system was received last week. There were zero findings in the 3 operational wells. The City’s standby well came back with a finding of 4 ppt. The standard acceptable level set by the State of Michigan is 70 ppt. This well has been taken offline and samples have been taken for retesting.

The closing on the Two Rivers Park Acquisition will take place tomorrow, December 4, 2018. This process has been underway since 2015. Securing this property will aid in the replacement of the Divine Hwy. Bridge when that project is undertaken.

City Manager Gorman reported that he did receive word that funding was not received for the Divine Hwy. Bridge project. An application for funding will be resubmitted next year.

City Manger Gorman stated that he has received the results of the feasibility study conducted by Pulse Broadband to bring fiber/internet to the City. Staff will review the document over the next week or so.

The City Council Goal Session will be held on Monday, January 28, 2019.

The Planning Commission will meet Wednesday, December 12, 2018 to look at the proposed ordinance addressing the zoning component of the marijuana issue. They will also discuss the Rindlehaven Phase II development.

Under Presentations, Steve Kirinovic, CPA with Stevens, Kirinovic & Tucker, P.C. presented the Fiscal Year 2017/2018 Audit.

DDA/Main Street Director Conner Wellman presented her report on downtown activities. The Volunteer Appreciation event held on Saturday, November 10, 2018 was great evening and a nice event. By claiming the DDA’s share of the Local Community Stabilization Act \$40,300.69 has been added to the fiscal year income. Small Business Saturday took place on Saturday, November 24, 2018 with 13 businesses participating. Holidayfest will be held on Saturday, December 8, 2018. This year’s theme for the window decorating contest is, Ugly Sweater Party. Judging was done on Friday, November 16, 2018.

Under Old Business, the Council considered the 2nd Reading of Ordinance 198 to amend the Code of Ordinances by adding a new article and section that shall be designated as Article V, Section 24-90 of Chapter 24 of said Code and by adding a new section that shall be designated as Section 34-2 of Chapter 34 of said Code.

Motion by Fitzsimmons, supported by Johnston, to table the 2nd Reading and consideration of Ordinance 198 until the December 17, 2018 City Council Meeting

Yeas: Fitzsimmons, Johnston, VanSlambrouck, Barnes

Nays: None
Absent: Baldyga
Adopted

Under New Business, the Council considered accepting the FY 2017/2018 Audit.

Motion by VanSlambrouck, supported by Fitzsimmons, to accept the FY 2017/2018 Audit.

Yeas: VanSlambrouck, Fitzsimmons, Johnston, Barnes
Nays: None
Absent: Baldyga
Adopted

The Council considered Resolution 18-84 to approve an energy purchase for the Board of Light & Power in the amount of \$31,379.20 through the Michigan Public Power Agency to meet a portion of its future load requirements for July 2019, August 2019 and November 2019. The Board of Light & Power voted to recommend this purchase to the City Council at its meeting on November 27, 2018.

Motion by VanSlambrouck, supported by Johnston, to approve Resolution 18-84 approving an energy purchase for the Board of Light & Power through the Michigan Public Power Agency.

Yeas: VanSlambrouck, Johnston, Fitzsimmons, Barnes
Nays: None
Absent: Baldyga
Adopted

The Council considered Resolution 18-85 to approve and adopt revisions to the Drug-Free Workplace Policy of the City of Portland Employee Handbook. Due to the passage of Proposal 1 regarding recreational marijuana, City Manager Gorman and legal counsel recommend revising the Drug-Free Workplace Policy to reflect said legalization and maintaining zero tolerance in the workplace.

Motion by Fitzsimmons, supported by VanSlambrouck, to approve Resolution 18-85 approving and adopting the proposed revisions to the Drug-Free Workplace Policy of the City of Portland Employee Handbook.

Yeas: Fitzsimmons, VanSlambrouck, Johnston, Barnes
Nays: None
Absent: Baldyga
Adopted

The Council considered Resolution 18-86 to confirm the Mayor's appointment of Herb Mosser to the Board of Review.

Motion by Johnston, supported by Fitzsimmons, to approve Resolution 18-86 confirming the Mayor's appointment to City Boards and Commissions.

Yeas: Johnston, Fitzsimmons, VanSlambrouck, Barnes
Nays: None

Absent: Baldyga
Adopted

The Council considered Resolution 18-87 to approve 2019 City Council meeting dates.

Motion by VanSlambrouck, supported by Johnston, to approve Resolution 18-87 approving the 2019 City Council meeting dates.

Yeas: VanSlambrouck, Johnston, Fitzsimmons, Barnes
Nays: None
Absent: Baldyga
Adopted

Motion by Fitzsimmons, supported by VanSlambrouck, to approve the Consent Agenda which includes the Minutes and Synopsis from the Regular City Council Meeting held on November 19, 2018, payment of invoices in the amount of \$106,662.48 and payroll in the amount of \$122,373.99 for a total of \$229,036.47. Purchase orders to Fleis & VandenBrink in the amount of \$12,000.00 for Environmental Due Diligence on the ADM Property, Michigan Electric Cooperative Association in the amount of \$13,643.00 for 2019 Safety Dues, and Theka Engineering in the amount of \$14,206.68 for installation of a recloser and emergency repairs were also included.

Yeas: Fitzsimmons, VanSlambrouck, Johnston, Barnes
Nays: None
Absent: Baldyga
Adopted

Under City Manager Comments, City Manager Gorman noted that the winter parking ban went into effect on November 1, 2018 and will be in place through April 1, 2019. No parking is allowed on City streets between 2:00 A.M. and 6:00 A.M.

City Manager Gorman stated that there has been no issue or complaints regarding the change of hours at City Hall from 8:00 A.M. – 5:00 P.M. to 8:00 A.M. – 4:30 P.M., Monday through Friday, that became effective Monday, November 26, 2018. The change has made a dramatic beneficial impact on internal operations.

Under Council Comments, Mayor Pro-Tem VanSlambrouck recognized the passing of President George H.W. Bush and sent condolences to his family.

Motion by Fitzsimmons, supported by VanSlambrouck, to adjourn the regular meeting.

Yeas: Fitzsimmons, VanSlambrouck, Johnston, Barnes
Nays: None
Absent: Baldyga
Adopted

Meeting adjourned at 8:00 P.M.

Respectfully submitted,

James E. Barnes, Mayor

Monique I. Miller, City Clerk